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Eckhard Kruse

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EXAMINER

JIMENEZ, DANILO

ART UNIT

PAPER NUMBER

2447

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/552,479	Applicant(s) KRUSE ET AL.	
	Examiner DANILO JIMENEZ	Art Unit 2447	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/7/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The claims 1-19 are pending.

Specification

2. The abstract of the disclosure is objected to because it not limited to a single paragraph within the range of 50 to 150 words. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 12-15 and 17-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims 12-15 and 17-19 lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 6-9, 12, 13, 15, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitayama et al (EP 0969389 A2).

With respect to claim 1, Kitayama teaches automatically producing web pages for client appliances of different client type and/or with different client properties, where the client appliances communicate with a web server using client requests and server responses and the web server stores web pages (i.e., dynamically generate HTML documents so as to provide client terminals of various capability with user interface in

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compliance with each terminal's capability. Receiving a display request from the terminal; generating a group of data objects concerning the contents of the display, generating a group of view objects for generating the display control information; and by referring to the information about the attributes of the terminal, generating the display control information by the group of view objects, the view object is generated by HTML generator # 230 that is stored in the HTTP Server, Fig 2, abstract, and section 79), wherein the web server stores web components (i.e., the data service #220 generates a group of data objects that is stored in the HTTP Server, section 78 and Fig 2. Wherein data objects is the web components and the HTTP server is the web server.), the client requests sent to the web server are used to identify the client type and the client properties of the client appliance (i.e., the client type and the client characteristics of the client device are identified with the client requests which are sent to the web server, sections 4 and 79), the web components are instantiated on the basis of the properties of the client appliances (i.e., then, view objects are generated by using the data objects and information about the attributes of the terminal, section 79), instantiated web components are used to produce representations of the requested web pages and to transmit them to the client (i.e., the view object of requested HTML document are produced on the basis of the instantiated web components and transferred to the clients, section 79).

With respect to claim 2, Kitayama teaches wherein the representations of the web pages which are reduced by the web components are read, processed or displayed

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by the client appliances (i.e., method for HTTP Server outputting the produced HTML documents to be display in various terminals used by a user, such as PDA, a personal computer, TV set or a cellular phone having an information display function, sections 1 and 79).

With respect to claim 3, Kitayama teaches wherein from the identified client properties of the respective client appliance the web server reads in or produces a profile and the profile is used to ascertain the properties of the client appliances (i.e., the terminal DB # 250 contained a profile with client characteristics, section 77 and Fig. 2).

With respect to claim 4, Kitayama teaches wherein the web components are used to store server-end code and data for the web pages (i.e., the servlets and data are also stored in connection with the view objects, sections 76 and 79. Wherein the servlets is the server code).

With respect to claim 6, Kitayama teaches wherein the type ascertained in the web server and the ascertained properties of the client appliances are used to produce an individual session for the respective client appliance, said session being used to store a profile for the respective client appliance (i.e., it is determined from a URL whether it is a new session step #1010. If it is a new session, it moves on to step #1020 since the URL does not contain session=session number. On the other hand, if it is not

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a new session, as the URL contains session=session number, the number is used, Fig 4 and section 77).

With respect to claim 7, Kitayama teaches wherein the stored profiles of the client appliances are used for further client requests to the web server until the session on the web server is ended (i.e., If it is not a new session, the client parameters contained in view objects are used in the case of a session which already exists, section 81).

With respect to claim 8, Kitayama teaches wherein the profiles of the client appliances are stored in the URL or in the form of cookies in the web page (i.e., a display request is received from client terminals it uses a User-Agent field which is contained in the URL parameter for identifying the client session and an HTTP header, section 77).

With respect to claim 9, Kitayama teaches wherein information about the properties and about the type of the respective client appliance is entered into the profiles which the web server automatically creates for the client appliances from the file header of an HTTP request in an identification process (i.e., a User-Agent field of an HTTP header is used to obtain information about attributes of the terminal to be used later from terminal DB # 250 transmission of client parameters in the HTTP header, section 77 and Fig 2).

The limitations of claim 12 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

With respect to claim 13, Kitayama teaches wherein the web server uses the client requests to produce the client type and the client properties using the web component associated with the respective client appliances the page content of the web pages creates (i.e., the client type and the client characteristics of the client device are identified with the client requests which are sent to the web server. Then view objects are generated by using the data objects and information about the attributes of the terminal, sections 79 and 4).

The limitations of claim 15 are rejected in the analysis of claim 2 above, and the claim is rejected on that basis.

With respect to claim 16, Kitayama teaches wherein from the identified client properties of the respective client appliance the web server reads in or produces a profile and the profile is used to ascertain the properties of the client appliances (i.e., the terminal DB # 250 contained a profile with client characteristics, section 77 and Fig. 2).

With respect to claim 18, Kitayama teaches wherein the web server returns the representation of the web pages which is produced by the web components to the

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respective client appliance using the server responses (i.e., method for HTTP Server outputting the produced HTML documents to be display in various terminals used by a user, such as PDA, a personal computer, TV set or a cellular phone having an information display function, sections 1 and 79).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 14, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitayama et al (EP 0969389 A2) in view of McCartney et al (U.S. Publication No. 2002/0010716 A1).

With respect to claim 5, Kitayama teaches wherein the properties of the client appliances include browser capabilities (i.e., to dynamically generate documents or display control information for providing client terminals of various capabilities with user interfaces in accordance with each client terminal's capabilities, section 14).

Kitayama does not explicitly disclose the browser type, properties of the displays and of the input devices of the client appliances.

However, McCartney teaches the browser type, properties of the displays and of the input devices of the client appliances (i.e., in addition to distinguishing based on browser type, browser version and client plug-ins, other parameters may be used to

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indicate client capabilities. For example, different client categories may be established for handheld devices, dial-up connected computers, and high-speed networks computers, section 26) in order for generating web pages that are optimized for a client's capabilities (abstract).

Therefore, based on Kitayama in view of McCartney, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of McCartney in the system of Kitayama in order for generating web pages that are optimized for a client's capabilities.

The limitations of claim 14 are rejected in the analysis of claim 5 above, and the claim is rejected on that basis.

With respect to claim 17, Kitayama teaches wherein the client properties of the respective client are browser capabilities (i.e., to dynamically generate documents or display control information for providing client terminals of various capabilities with user interfaces in accordance with each client terminal's capabilities, section 14).

Kitayama does not explicitly disclose the browser type, properties of the displays and of the input devices of the client appliances.

However, McCartney teaches the browser type, properties of the displays and of the input devices of the client appliances (i.e., in addition to distinguishing based on browser type, browser version and client plug-ins, other parameters may be used to indicate client capabilities. For example, different client categories may be established

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for handheld devices, dial-up connected computers, and high-speed networks computers, section 26) in order for generating web pages that are optimized for a client's capabilities (abstract).

Therefore, based on Kitayama in view of McCartney, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of McCartney in the system of Kitayama in order for generating web pages that are optimized for a client's capabilities.

With respect to claim 19, Kitayama teaches wherein the web server returns the representation of the web pages which is produced by the web components to the respective client appliance using the server responses (i.e., method for HTTP Server outputting the produced HTML documents to be display in various terminals used by a user, such as PDA, a personal computer, TV set or a cellular phone having an information display function, sections 1 and 79).

9. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitayama et al (EP 0969389 A2) in view of La Porte et al (WO 02/23375 A2).

With respect to claim 10, Kitayama teaches the claimed subject matter as discussed above except wherein the client appliances are identified using a special dialogue, with the web server transmitting a configuration page to the client appliance, and the user of the client appliance making a selection from a list of different client types.

However, La Porte teaches wherein the client appliances are identified using a special dialogue, with the web server transmitting a configuration page to the client appliance, and the user of the client appliance making a selection from a list of different client types (i.e., If a browser can read more than one markup language, the networked content delivery system either can prompt the user to select an appropriate markup language for the current online session with the content delivery server 24, or it can obtain further information from the browser by reading the HTTP_USER_AGENT 52 header field. For example, a number of browser-enabled devices use HTML with vastly different display characteristic. Thus, it is not possible to deliver the same HTML document even to all of the potential HTML compatible browser-enabled devices, page 17 lines 19-24) in order for facilitating communication between a content delivery server and a plurality of browser-enabled devices (abstract).

Therefore, based on Kitayama in view of La Porte, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of La Porte in the system of Kitayama in order for facilitating communication between a content delivery server and a plurality of browser-enabled devices.

With respect to claim 11, Kitayama teaches the claimed subject matter as discussed above except wherein the web server returns an error page to the client appliance or uses a standard profile for the client appliance if the web server is not able to identify the client appliance.

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However, La Porte teaches wherein the web server returns an error page to the client appliance or uses a standard profile for the client appliance if the web server is not able to identify the client appliance (i.e., if a browser can read more than one markup language, the networked content delivery system either can prompt the user to select an appropriate markup language for the current online session with the content delivery server 24, page 17 lines 19-21) in order for facilitating communication between a content delivery server and a plurality of browser-enabled devices (abstract).

Therefore, based on Kitayama in view of La Porte, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teaching of La Porte in the system of Kitayama in order for facilitating communication between a content delivery server and a plurality of browser-enabled devices (abstract).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANILO JIMENEZ whose telephone number is (571) 270-7218. The examiner can normally be reached on Monday - Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Hwang can be reached on (571) 272-4036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DANILO JIMENEZ
Examiner, Art Unit 2447
May 18, 2009

/Joon H. Hwang/
Supervisory Patent Examiner, Art Unit 2447